

BRIAN J. STRETCH (CABN 163973)
United States Attorney

PHILIP A. GUENTERT (CABN 147374)
Acting Chief, Criminal Division

LLOYD FARNHAM (CABN 202231)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
FAX: (415) 436-7234
Lloyd.farnham@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 4:16-70812 MAG
)	
Plaintiff,)	CORRECTED STIPULATION AND
)	PROPOSED ORDER TO CONTINUE
v.)	HEARING AND EXCLUDE TIME UNDER
)	SPEEDY TRIAL ACT AND RULE 5.1 FROM
SERGIO MARTINEZ-MAGANA,)	AUGUST 23, 2016 TO SEPTEMBER 21, 2016
)	
Defendant.)	
)	
)	

STIPULATION

Defendant Sergio Martinez-Magana is charged by complaint in the above-referenced matter with conspiracy to distribute and to possess with the intent to distribute controlled substances. The government has recently produced the discovery in the matter and the parties have discussed a potential disposition of the case. The defendant hereby requests additional time before the preliminary hearing to allow defense counsel an opportunity to review the discovery and confer with his in-custody client and the government regarding the potential disposition.

The preliminary hearing in this matter is presently scheduled on August 23, 2016, and the parties hereby request that it be continued to September 21, 2016. The parties make this request to allow for

STIP. AND [PROPOSED] ORDER RESCHEDULING PRELIMINARY HRG. AND EXCLUDING TIME
4-16-70812 MAG

1 reasonable time for the effective preparation of counsel. For all of the reasons stated, the parties believe
2 that good cause exists to exclude and waive time under Federal Rule of Criminal Procedure 5.1(c) and
3 (d) from August 23, 2016 through September 21, 2016, taking into account the public interest in the
4 prompt disposition of a criminal case and the defendant's consent, and to exclude time under the Speedy
5 Trial Act. 18 U.S.C. § 3161.

6 IT IS SO STIPULATED.

8 DATED: August 18, 2016

Respectfully submitted,
BRIAN J. STRETCH
United States Attorney

11 /s/
LLOYD FARNHAM
Assistant United States Attorney


14 /s/
ANTHONY LOWENSTEIN
Counsel for Sergio MARTINEZ-MAGANA

16 **[PROPOSED] ORDER**

17 For the reasons stated by the parties, the Court finds that the aforementioned request is supported
18 by good cause and made with the consent of Defendants. Fed. R. Crim. Proc. 5.1(c) and (d). The Court
19 therefore finds that an exclusion of time between August 23, 2016 through September 21, 2016, is
20 merited under Federal Rules of Criminal Procedure Rule 5.1(c) and (d) and the Speedy Trial Act under
21 18 U.S.C. § 3161 and moves the date of the preliminary hearing to September 21, 2016.

22 IT IS SO ORDERED.

25 DATED: August 22, 2016

26 
HON. KANDIS A. WESTMORE
United States Magistrate Judge